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EXPORT REQUIREMENTS FOR SPENT BATTERIES SENT TO FOREIGN  
COUNTRIES FOR RECYCLING

JUN 19 1987

Honorable Wes Watkins  
House of Representatives  
Washington, DC 20515

Dear Mr. Watkins:

Thank you for your May 5, 1987 letter on behalf of your constituent Mr. Joe Bonar regarding the Environmental Protection Agency (EPA) hazardous waste export rule.

Section 3017 of the Hazardous and Solid Waste Amendments of 1984 (HSWA) prohibits the export of hazardous waste unless persons exporting such waste provide notification to the EPA. The government of the country receiving the waste has to consent to accept the waste. The final rule implementing these statutory provisions was published on August 8, 1986 (copy enclosed) and became effective on November 8, 1986.

In developing the export rule, the Agency decided that waste which were regulated domestically should also be regulated internationally. The rationale and purpose underlying the domestic manifest requirements are similar to international notification and consent requirements. The domestic manifest notifies persons receiving or handling the waste of the nature of the materials being dealt with and affords those persons sufficient information to ensure proper handling of the waste.

Under EPA's domestic regulatory scheme, hazardous wastes are generally subject to the manifest, but certain wastes sent for recycling are exempt from the manifest requirement. Such an exemption applies to persons who send batteries for recycling. Thus, spent batteries sent to a foreign country for recycling would be exempt from the requirements to file a notification and receive written consent from the receiving country. However, the exemption only applies if the batteries are uncracked.

Notification, however, is required for exporting lead battery plates and groups (as well as other hazardous wastes requiring a manifest for domestic shipment). Notification and consent can cover a period of up to 12 months. Thus, a 60 day waiting period for approval to export applies only for the first shipment rather than shipment of waste.

While EPA anticipates a maximum of 60 days to obtain written consent from the receiving country, we believe that this time frame can be substantially shortened as we gain experience in obtain written consents from receiving countries. Further, Section 3017 provides that an international agreement with a receiving country can take priority over the written consent provision of EPA's export rule. While bilateral agreements have been negotiated for only two countries (Canada and Mexico), other countries may also want to develop bilateral agreements with the U.S., particularly if a country wants to expedite movements of hazardous waste between the two countries.

I hope this explanation of EPA's export rule is helpful. If you have any questions about the export requirements, please contact Ms. Carolyn Barley at 202-382-2217.

Sincerely,

J. Winston Porter  
Assistant Administrator

Enclosure